

EXHIBIT 23
(Redacted)
(Previously Filed Under Seal as Dkt. 747-9)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION,

Plaintiff,

v.

FEDERAL INSURANCE COMPANY, and
ACE AMERICAN INSURANCE COMPANY

Defendants.

Case No. 16-CV-1054(WMW/DTS)

**EXPERT REPORT OF
NEIL J. ZOLTOWSKI
WITH RESPECT TO DAMAGES**

Respectfully submitted this 19th day of April, 2019

A handwritten signature in black ink, appearing to read "Neil J. Zoltowski", is written above a horizontal line.

CONFIDENTIAL – ATTORNEYS’ EYES ONLY

c) *Broker Site*

97. Broker Site is “a front-end quoting system” integrated with Evolution in Canada.²⁰⁰ It also allows brokers to access information and documents such as billing and claims information and reference libraries of contract guides, rates and rules, product highlights, training and webcasts.²⁰¹ It is used in Defendants’ Personal and Commercial lines to help brokers manage their clients. Broker Site interfaces with and draws information from the Evolution policy administration system.²⁰²

d) *Adapt*

98. Adapt is the policy administration application used in the United Kingdom, Australia, and other European Countries.²⁰³ It is broker-facing and allows for real-time binding and issuing of policies and is used for, among other things, back-end administration, automation, document generation and electronic filing.²⁰⁴ Adapt also enables a broker to view and manage his or her own portfolio.²⁰⁵ Adapt has been used in Australia since 2007 for the A&H business unit and applies business rules in Blaze Advisor for underwriting guidance.²⁰⁶

e) *Exari*

99. Exari functions as an additional data collection source following EZER’s initial data collection.²⁰⁷ This iterative data collection reduces the underwriter’s time and effort.²⁰⁸ Chubb canceled the Exari project at or around January 27, 2016, the time that ACE Limited acquired Chubb Corp.²⁰⁹

²⁰⁰ Federal Insurance Company’s Fifth Supplemental Answer to Plaintiff’s Interrogatory No. 19, dated March 2, 2019 at 3.

²⁰¹ FED04571 at “Application Summary” worksheet.

²⁰² Miroyuz 1/11/19 Deposition at 72-73.

²⁰³ FED014390_0006 and 010.

²⁰⁴ FED014390_0006.

²⁰⁵ FED014390_0006.

²⁰⁶ Miroyuz 1/11/19 Deposition at 69; Federal Insurance Company’s Fifth Supplemental Answer to Plaintiff’s Interrogatory No. 20, dated March 21, 2019 at 3.

²⁰⁷ FED008352_0001.

²⁰⁸ FED008352_0001.

²⁰⁹ FED017913_0001-002.

*Fair Isaac Corporation v. Federal Insurance Company and ACE American Insurance Company***SCHEDULE 5.0: Summary of Lost Fees for Foreign Applications**

Foreign Application	Region	License, Support, and Maintenance (a)	Damages Period			Total Lost Fees
			Start Date	End Date (b)	Years	
ADAPT	Australia	\$				
ADAPT	U.K.					
Evolution	Australia					
Evolution	Canada					
EZER	U.K. and Europe					
Exari	U.K.					
Broker Site	Canada					
Total		\$				

Note/Source(s):

- (a) See **Schedule 7.0**.
- (b) I understand the trial ready date is December 9, 2019.
- (c) I understand the damages period starts at the latter of the first year of gross written premiums reported per interrogatory responses or 6 years before the filing date of April 21, 2016 (i.e., April 21, 2010). See **Schedule 12.0**.
- (d) I understand FICO asserts that ADAPT (Europe) was used in 2009. (FED014415_0001-0003.)
- (e) I understand FICO asserts that Evolution (Canada) was used in 2013. Further, I understand the Broker Site application is integrated with the Evolution (Canada) application. (Mirolyuz 1/11/2019 Deposition at Exhibit 186 (FED008481_0001-FED008482_0001); Harkin Deposition at 206-209.)
- (f) I understand the development of the Exari application started in 2013 and was abandoned in 2016. (Mirolyuz 1/11/2019 Deposition at Exhibit 187 (FED12301_0001; FED12303-0001); FED017913_0001-0002.)

*Fair Isaac Corporation v. Federal Insurance Company and ACE American Insurance Company***SCHEDULE 9.0: Summary of Defendants' Foreign Gross Written Premiums***April 21, 2013 to March 2019*

Foreign Applications	Region	All Writing Companies (a)	Chubb Corporation and Chubb INA Holdings, Inc. Subsidiaries (b)	Federal, Subsidiaries and Pooling Entities (c)	Non-Subsidiaries and Non-Pooling Entities (d)
ADAPT	Australia	\$ 104,643,020	\$ 104,643,020	\$ 76,090,876	\$ 28,552,143
ADAPT	U.K.	265,034,167	265,034,167	213,529,232	51,504,935
Evolution	Australia	87,984,461	87,984,461	-	87,984,461
Evolution (e)	Canada	1,278,000,000	1,278,000,000	534,000,000	744,000,000
EZER	Europe	786,223,356	786,223,356	672,408,758	113,814,598
EZER	U.K.	15,477	15,477	15,477	-
Broker Site (e)	Canada	n/a	n/a	n/a	n/a
TOTAL		\$ 2,521,900,482	\$ 2,521,900,482	\$ 1,496,044,344	\$ 1,025,856,138

Note/Source(s):

- (a) See **Schedule 11.1**.
- (b) See **Schedule 11.2**.
- (c) See **Schedule 11.3**.
- (d) Calculated as the difference between (b) and (c).
- (e) I understand the Evolution (Canada) and Broker Site (Canada) applications share the same underlying database and therefore report the same gross written premiums. (Harkin Deposition at 206-209.)

*Fair Isaac Corporation v. Federal Insurance Company and ACE American Insurance Company***SCHEDULE 11.1: Summary of Foreign Gross Written Premiums by Application - All Writing Companies (a)**

Application	Region	Apr 21 - Dec 31						Jan - Mar		Total
		2013 (b)	2014	2015	2016	2017	2018	2019 (c)		
ADAPT	Australia	\$ 18,563,675	\$ 26,580,572	\$ 25,345,604	\$ 22,404,103	\$ 7,512,511	\$ 4,049,851	\$ 186,704	\$ 104,643,020	
ADAPT	U.K.	44,264,795	60,130,370	61,438,935	47,695,132	40,226,219	11,278,716	-	265,034,167	
Evolution	Australia	-	-	-	-	992,514	76,787,952	10,203,995	87,984,461	
Evolution (d)	Canada	-	-	303,000,000	308,000,000	330,000,000	337,000,000	-	1,278,000,000	
EZER	Europe	140,017,446	196,353,338	179,188,308	156,849,666	109,376,325	4,438,273	-	786,223,356	
EZER	U.K.	-	7,833	3,515	4,130	-	-	-	15,477	
Broker Site (d)	Canada	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
TOTAL		\$ 202,845,915	\$ 283,072,112	\$ 568,976,362	\$ 534,953,031	\$ 488,107,569	\$ 433,554,792	\$ 10,390,699	\$ 2,521,900,482	

Note/Source(s):

(a) This schedule includes gross written premiums from all writing companies reported per Defendants' interrogatory responses. See **Schedule 12.0**.

(b) I understand that copyright remedies are limited to three years before the filing of a complaint (i.e., April 21, 2016). I have adjusted the gross written premiums accordingly.

(c) The Defendant's most recent responses to Interrogatory Nos. 16-20 were dated March 2, 2019 and March 21, 2019.

(d) Defendants reported that the Evolution (Canada) and Broker Site (Canada) applications share the same underlying database and therefore report the same gross written premiums. (Harkin Deposition at 206-209.)